

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

CASE NO. 3:23 CV 733

Plaintiff,

v.

JUDGE JAMES R. KNEPP II

\$50,000 IN U.S. CURRENCY,

Defendant.

**MEMORANDUM OPINION AND
ORDER**

Claimants Jennifer Frost and Tyrone Hamilton seek to dismiss the Government's Complaint in Forfeiture for failure to state a claim upon which relief can be granted. (Doc. 9). The Government opposes (Doc. 12) and Claimants did not file a reply.

This case was referred to Magistrate Judge Darrell A. Clay under Local Civil Rule 72.2. Judge Clay issued a Report and Recommendation recommending this Court deny the Motion to Dismiss. (Doc. 13).

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* Local Civil Rule 72.3(b). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on July 28, 2023; it specified that objections were due fourteen days thereafter. (Doc. 13). Claimants have neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Clay's R&R and agrees with the findings and recommendation therein. Therefore, the Court ADOPTS Judge Clay's R&R (Doc. 13) as the Order of this Court, and DENIES Claimants' Motion to Dismiss (Doc. 9) as set forth therein.

This matter remains referred to Judge Clay for further proceedings pursuant to Local Civil Rule 72.2.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE